Transcript Senate Meeting
August 27, 2019

Nedret Billor, Chair: First, if you are a Senator or a Substitute for a Senator please be sure you sign in on the Senate roll sheet at the top of the room and take a clicker. Second, we need to establish a quorum. We have 87 Senators in the Senate and we need 45 for a quorum. Please press A on your clicker to show you are present.

We have a technical difficulty with the clicker, but fortunately we are not voting today because we don't have any action items, and we have at least 71 people. Let the record show we have 71 present (senators), so a quorum is established.

I now call the meeting to order.

I would like to remind you of some basic procedures for the Senate meeting for Senators and guests. If you would like to speak about an issue or ask a question, please go the microphone on either side aisle. When it is your turn state your name and whether or not you are a senator or a substitute for a senator and the unit you represent. The rules of the Senate require that Senators or substitute senators be allowed to speak first, and then after they are done guests are welcome to speak.

The Senate is not a time for personal conversation with a speaker. Please limit yourselves to one or two questions, unless you are making a motion or an amendment to a motion before the Senate. For additional discussion you should meet with the speaker after the meeting.

The agenda today was set by the Senate Steering Committee and posted on the Web site in advance. It is now up on the screen.

The first order of business is to approve the minutes of the June 11, 2019 Senate meeting. Those minutes have been posted to the Senate Web site. Are there any additions, changes, or corrections to the minutes? (pause) Hearing none, do I have a motion to approve the minutes?

Senator: So moved.

Senator: Second

Nedret Billor, Chair: All in favor of approving the minutes say aye please.

Group: aye:

Nedret Billor, Chair: Opposed? Hearing none, the minutes are approved by unanimous consent (*correction: approved by voice vote*). Thank you.

I would now like to make a few remarks.

As we all know, Dr. Steven Leath resigned on June 21, 2019. Although the sudden change in campus leadership caused some confusion, our institution continued to function its business as usual and Dr. Jay Gogue was named as Interim President on July 9, 2019. We, the University Executive committee, thank everyone for their input on the matter of President Leath's departure.

We also would like to acknowledge and express our appreciation to Interim President Jay Gogue and Provost Bill Hardgrave for their efforts to provide transparency in this process.

We are grateful for the opportunity to have worked with Dr. Leath during his tenure at Auburn to advance Auburn's mission. We echo statements by the Board that under his leadership Auburn made strides to become a world-class public university.

Despite the change of leadership, we are happy that Auburn is in good shape in the areas of curricula, programs, standards, faculty appointments, evaluation and development, student academic affairs, libraries and other areas influencing the university's missions. We are supportive of Interim President Jay Gogue as he continues to move Auburn forward while a search for a new President is launched. A key factor in Dr. Gogue's support and success is his commitment to shared governance.

Genuine shared governance gives voice (but not necessarily ultimate authority) to concerns common to all constituencies as well as to issues unique to specific groups. We strongly believe that broad, free and open communication within our Auburn Family via shared governance is essential to the prosperity of our institution. Moreover, we strongly believe that stakeholder involvement in these processes is crucial to strengthening the positive working relationship between the Board of Trustees and AU community.

Therefore, in the spirit of shared governance, we, the Executive committee, look forward to working with the Interim President, Jay Gogue and the BOT for the search of a new President and be active in this process.

As the Senate Leadership, we assure all of you that we are watchful and are protective of any issues that affect AU's reputation. I wish you all a great academic year.

Now I would like to introduce the officers of the Senate and our administrative assistant. [7:19 bkup] Michael Baginski is the Immediate Past Chair, Don Mulvaney is the Chair-elect, Adrienne Wilson is the Secretary of the year this year, and Greg Schmidt is the Secretary-elect. James Witte is our parliamentarian. Finally, our administrative assistant is Laura Kloberg.

The first item of business is some remarks from the Interim President Jay Gogue. The microphone is yours. [7:57 bk]

Dr. Jay Gogue, Interim President: Thank you, I appreciate the opportunity to be with you today. I particularly want to say thank you in this couple of weeks that I have been back in this role to tell you how much I appreciate your kindness and your encouragement because I have forgotten a lot of things in a couple of years, so I appreciate your help.

When I first came back there were 3 things on my mind that I think we really need to focus on. One is we had a graduation that was within a few weeks and you all did a marvelous job with that. I think it have been organized under special events and we made a change for it to be under the Provost henceforth. It's still a very well done very nicely done event. About 1350 students here on campus (graduated at that event).

Second thing was to make sure we are as ready as we possibly can with about 5,000 new students coming back, transfer students, freshmen and graduate students, and maybe a few more than that. Is that right Bill? About 5,000, but try to do the best we can with those students as Auburn always does.

And the third thing was to focus on the budget going forward. I think most of you are aware that the budget in Alabama is October 1 through September 30, and we have to present the budget of the University to the Board at the September 12 Board meeting. From what I understand it's about 1.45 billion dollars, certainly the largest budget that Auburn has ever had. It represents about 7 % budget increase over the previous year. And I understand through Kelly and others that the Budget Advisory Committee has made recommendations to that budget that we will present to the Board.

There are several other items on the Board agenda that I call your attention to; there's some facility related issues. One that deals with an infrastructure project out at the Research Park, there's a renovation project at the Stadium, there's a football facility that's being discussed, some housing for students that will be on the agenda. Housing issues have been particularly interesting. We have about 1200, roughly, beds on the Hill dorms, those have probably reached near the end of their life expectancy, so what do we do and where do we build? And then you try to relate that to all the construction that's going on in Auburn in terms of housing, so what do you do? There is discussion still in terms of what we do regarding housing. There is also a project out at Ag Heritage Park that Alfa is actually supporting the renovation of, I call it the Red Barn which may not be the correct name, but it's that facility that you see out there.

Then on the academic side there are 6 or 7 things that I wanted to mention. In Vet Medicine, I saw Calvin was here, there's about $2,000 fee increase. Is that correct for the Vet students? Yes. Number 2 on my list, there are 2 degree options in the Human Science area dealing with Child Development. There are 2 master's degrees in the College of Human Sciences, one is Child Life and the other is Hospitality Management, there's a PhD in Hospitality Management. I am told there is a modification in the Faculty Manual (Handbook) that's a housekeeping item that focuses on Extension faculty.

I wanted to also report that there will be some discussion of the Strategic Plan in terms of where we are and the progress that is being made. Most of the key performance indicators have been identified and the final date is October 1 for those to be done.

One area of concern; in the last year or so in the budget process, keep in mind that both Auburn and the University of Alabama are constitutional institutions. We have historically not really dealt as closely with the Alabama Commission on Higher Education as those schools that are legislatively created. So, think of Troy and South AL, and all of your community colleges. We have always been handled a little bit differently. There's been a move and discussion to try to figure out how you merge us all together like is done in many states, that's not really good for us, so a lot of discussion is going on with leadership and the legislature and the University of Alabama to try to make sure that we all can stay on the same page relative to our budget as we move forward.

I've gotten a lot of questions about 2 areas since I came back. [13:01 bk] One has to do with the departure of the President and arrival and what are all the details. I can tell you, I don't know. I do know that I was out in New Mexico fly fishing and got a call saying, would you come back? And I said yes. To be very candid with you, Auburn with personnel issues has been fairly quiet and non-descript, regardless if with faculty or staff or whatever. The other question is; when are you going to start the search? I don't know that either.

But the Executive Committee of the Senate is doing a very nice job, they have given me 3 things they would like for me to sit down with the Board and relay. One is that the faculty should be broadly included in the search process. I agree with that. The second one is, on an annual basis, presidents and administrators are…presidents are evaluated by the Board of Trustees on an annual basis. They usually announce it in June, create a committee, evaluate the president, and then it is reported out in September. The Executive Committee asks that comments and input be provided by the Executive Committee of the Senate. So some communications on an annual basis and not to wait on the 5-year review in which you have input. The final thing is during the search process, make it as open as possible in the future. I applaud them, I think those are good comments, those are good things to try to do. I will do the best I can to convince the Board we need to think about those things.

I'd be happy to try to respond to questions that I might have answers to.

Robin Jaffe, Senator, Theatre: Dr. Gogue, how are you doing today?

Dr. Jay Gogue, Interim President: I am good Robin.

Robin Jaffe, Senator, Theatre: Okay.

After this amazing weekend at the GPAC where over 10 thousand people from 17 different states attended 11 events in 4 days. It was truly an awe inspiring event. A facility that will transform Auburn University and the entire Southeast for what we can do for the performing arts. Even David Housel stated, we can't be called a Cow College any more."

My question for you is: How can we continue to move forward on the Rane Culinary Arts Building and 5 Diamond Hotel and Spa, that has six personal living condos at $3,000,000 a piece, with a roof swimming pool for a price tag of over $100,000,000.00? This is a venue where more than likely most students and family, staff, faculty and administration will not visit let alone be able afford to stay at. Especially when there is a 4 star hotel right next door.

After a weekend with the Performing Arts Center, 83 million dollars for a learning center Mell Building, all the things we've been doing for the students, how can we continue to build this facility? At least the top 6 floors where it will go up to 110 feet?

Dr. Jay Gogue, Interim President: Robin, I think you raise a good question, and I don't know the answer. It's not on the agenda for the Board of Trustees Meeting this time. I understand that the project has escalated in cost from what I have heard. I have not heard that it escalated to the levels you talked about, so let me do some homework and check on it. I do not know the details of the project.
But it is not on the agenda for any kind of action by the Board this time.

Robin Jaffe, Senator, Theatre: I know they are reviewing it right now. It came to 18 million dollars over.

Dr. Jay Gogue, Interim President: Okay, thank you.

Mike?

Mike Stern, not a senator, Economics: Are there any other senators? [some comment Mike makes that I cannot hear] …just wouldn't be a meeting otherwise. Welcome back, of course.

Dr. Jay Gogue, Interim President: I've been missing you. [much laughter by all]

Mike Stern, not a senator, Economics: I was thinking about what to say to you, because you haven't been here in a long time. I was thinking about you time here as president [10 years] and when I thought back on it, what most impressed me about you was and it's what impresses me today; is that you came before us, you took questions, and interact with us and so forth. I was thinking back to 2007 when you first became president in the summer, one thing you did during that fall semester is you came around by yourself, nobody with you, to my unit to speak to the faculty to learn about them and find out what's going on and I would encourage you to do that again this fall.

Dr. Jay Gogue, Interim President: That's fare. Let me stop you and I will make a commitment that I will do that. I think that's important. It's one of the things I got the most out of in my full ten years here; sit and listen a bit and I agree. I will do that.

Mike Stern, not a senator, Economics: Thank you.

Dr. Jay Gogue, Interim President: Thank you Mike. [clapping] Thank you guys.

Nedret Billor, Chair: Are there any more questions? [18;33] Thank you (Dr. Gougue) for your remarks.

Next, we have 4 information items. First Michael Fogel, chair of the Faculty Research Committee will present on new post doc information.

Michael Fogel, chair of the Faculty Research Committee: Good afternoon everyone. My name is mike Fogle, I am a senator from Physics, but I am here in my capacity as the chair of the Faculty Research Committee. I have with me, Ann Shore from Human Resources. She is going to talk most through this presentation about the details. I wanted to give it some preface and scope.

The Faculty Research Committee (FRC) late last year started looking at items that were barriers to research. One of those items that came up was involvement of post docs in research. We recognize that post docs are synergistic in that they come here and they hit the ground running. They are more professions than let's say our graduate students to speak, they have more experience, they can be involved in proposals they can even write the PI proposals they can write papers, they can help mentor students. So, there is just a lot they can bring to the research enterprise. I think all of us know one of the things we fight as faculty is time, it's the commodity we are always trying to trade. They help us buy that time to be impactful in our research. So, we looked at what is it that is a barrier to including post docs in our research enterprise. Not surprisingly, one of those things is the shear cost. If you take the $60,000/year post doc and load it, you are going to blow $100,000 a year in your grant budget. Then you've got to start making decisions; such as how many graduate students, do I include travel, do I include that piece of equipment, so you got to make those types of decisions.

We started looking around in our sister institutions in the state and how are they treating post doc in terms of things like the fringe rate, and how are they treating them with respect to the Teacher's Retirement? Because we didn't differentiate, we basically treat them as employees. When we looked around the state we saw that many of them were more like trainees than employees, which is somewhat fitting for a post doc role. None of them had the fringe rate that we were charging, they were all considerably less and we thought that might be something we should look at right away. [21:38] The FRC met with the Interim VPR, Kerpelman at the time, and Dean Flowers of the Graduate School, one because that also goes into our numbers and you can compare Auburn to our peers and our number were low in post doc numbers from reporting perspective. And they took it and ran with it and they got in touch with the folks at HR and that's where folks like Ann come in. They did the heavy lifting to see–what can we do, what can happen?

What Ann is going to talk about are some of the changes that are happening as of October 1. This means the post docs are going to a new fringe rate, the part-time fringe rate, and they are also no longer going to pay into the Teacher's Retirement System. [22:21]

We've accomplished a couple of things that seemed impossible. We've made them cheaper to some extent from our perspective as grant writers, but we've also put more money in their pocket, all things being equal because they are not losing that money to the retirement system. With that I will turn it over to Ann and let her talk a bit.

Ann Shore, Human Resources: Thank you for having me today. Dr. Fogle teed up everything beautifully, many of my slides are going to be repetitive of what he said.

What is staying the same for our post docs? [22:58] First we are going to change one of the benefits, typically the biggest one is Teacher's retirement that many other institutions in the state do not require post docs to have that. Then that will allow us to remain competitive in the track for talented researchers you want to attract. These are the reasons why, again we worked with the Graduate School Research, Provost's Office, and faculty to accomplish a lot of what you see today.

What's staying the same, this is all good news; the health insurance plan, so post docs will still be eligible for the employee health insurance plan (not the student health plan). Of our 87ish post docs 85 have our health plan. Clearly that's important to them. Another big win was the voluntary benefits, so things people might elect to take, not mandatory, are dental, vision, supplemental plans like disability and life insurance, and cancer plans. So these are all on an individual basis, and considered voluntary and benefits that our post docs (? Hard to hear) [24:18]. The flexible spending account, many of you are familiar with the IRS approved benefit plan that allows you to pretax certain benefits either medical or dependant care basis, that will remain an eligible benefit for our post docs.

This was another great win, our voluntary retirement plans with the match. In one of the meetings we've been talking in with different groups we felt this was a great opportunity for those that wanted to save for retirement to have a retirement plan option since the TRS or RSA option won't be required anymore. The voluntary retirement plans with a match will remain. Our employee education benefit and some of the miscellaneous to include Tiger Perks, the AU Bookstore, Federal Credit Union and that kind of thing. These are all staying the same.

What's Changing? I am going to come back to the top 2 bullets in a minute, but I want to talk about the 3rd one first. As Dr. Fogle said, because the part-time fringe rate will be the fringe rate that is applied to the post docs, a much lower fringe rate. The full-time fringe rate includes most of the employer paid benefit plans; those include life insurance, long-term disability coverage, and short-term disability coverage. So that's what will be available to post docs because of the part-time association rate, but you will see in a moment some supplemental plans they can purchase. If somebody desires to have a disability plan and/or additional life insurance, they will be able to do that.

Mandatory retirement, again, post docs at Auburn traditionally have been required to contribute to the Teacher's Retirement System. In 2013 employees became tier 2 instead of tier 1 so traditionally they have been contributing 6% (7.5% contribution is tier 1). Most of our post docs because they are not here more than 5 years are a tier 2 at this point. Several institutions don't require that, so after many meetings, Kelly and our legal counsel and other areas we were able to come to the consensus with RSA that our post doc fellows, here at Auburn, will not be required to participate in RSA.

So, what does that mean for all the people that have been contributing for perhaps 1, 2, 3, 4, maybe even 5 years? Lots of good answers here, one is the post docs can keep the money in the TRS and if and when they return to a position that is benefit eligible, they can purchase that time back, they can roll it over to another qualified plan like a 403B or an IRA, or they can ask for a refund. My Office is prepared to help them with the refunds and for many we feel that they may ask for that. The answers are good, you can leave it there, you can take it out, you can roll it over. Do whatever they wish. Later on when they are in an eligible position the post doc could purchase, after the two year waiting period, the previous time. [27:30]

The leave accrual is going to change a little bit. Currently before October 1 post docs accrue 13.241 hours annual leave in addition to sick leave. After October 1 go to a paid time off, some of you may have heard of the PTO plan where it couples everything into one bucket and will accrue 8 hours, those on a 12-month assignment, per month or 4 hours per month for the 9-month post docs. And post docs will be eligible for and receive all AU recognized holiday pay. More on leave summer assignments of course we just finished this, that will accumulate based on the FTE. The folks that are currently our post docs will on October 3 have their balances rolled over to the PTO bank, so they will see the access to that immediately.

The last 2 bullets are typical of all employee leave plans at Auburn, where they carry over 2 years (192 hours/year) and upon termination would be paid one month at 173.3 hours.

The Graduate School has agreed to be the home hub, I don't want to mis-speak, but previously post docs have not really had a hub or a home. Dr. Flowers has done a lot of work with his staff. They formed a Web page, we are going to have an informational meeting, but that's not what I am talking about here. Here there is a special enrollment period, kind of a mini-open-enrollment, if you will, where we will allow post docs to make any changes they want to make that is typical to open-enrollment. If they wanted to add a dental plan, drop life insurance, pick up the retirement plan because they had not previously been participating, that kind of thing. Special Enrollment Period that will become effective October 1. We have a nice

Web page that is a resource for our post docs.

This is the meeting that Dr. Flowers and I have assembled to take place on September 6, we reached out to all the current post docs and their mentors and asked them to come September 6, Mell Classroom 2250 from 3-4 p.m. held in conjunction with the Graduate School and my staff will have a packet per post doc and we will meet with them individually. If they already know off the top of their head that they want to roll the money over, or make a withdrawal, we will be prepared to help then that day in that special time frame.

That's all we really have today. Just to recap, many benefits will remain, there are some benefits that previously we feel like might have deterred us from recruiting and some other things that post docs won't be required to contribute to, voluntary benefits will remain the same, we'll have a special meeting, and the part-time fringe rate will apply rather than the full-time fringe rate. That's all I have. If you have any questions for me or Dr. Fogle.

Tony Moss, Senator, Biological Sciences: One of my faculty was concerned about the changes and have taken the information that I have and responding to questions that she had. I am quoting what she says here, "I notice the new information and very concerned about the large cut in paid time off of post docs from 20 days per year to only 12 days." Would you comment on that? [31:15] She feels this would make the post doc rule here less competitive to people who would like to join.

Ann Shore, Human Resources: There was a lot of discussion on that. It was agreed upon by all parties for these changes, this is kind of like an employee in training type position and actually a hybrid, again I don't live in the faculty world, but that the accumulation should not be equivalent to a full-time faculty member.

Tony Moss, Senator, Biological Sciences: Which it was in in the first case.

Michael Fogel, chair of the Faculty Research Committee: It was in the first case, this is almost a delineator between full employee and…

Tony Moss, Senator, Biological Sciences: So, it is meant to be kind of an intermediate, not sure what to say.

Michael Fogel, chair of the Faculty Research Committee: Hopefully it gets made up because it will put a few hundred more dollars in their pocket because they are not paying into Teacher's Retirement.

Tony Moss, Senator, Biological Sciences: Yea… So, she was interested in payout like paid time at the end of employment for post docs and she wanted to know to whom does responsibility fall? Is it the PI? Or is it the University?

Ann Shore, Human Resources: To insure that the time is paid? Is that the question?

Tony Moss, Senator, Biological Sciences: I think that is what she is getting at, yes.

Ann Shore, Human Resources: That's my office. We make sure that happens, when a terminating EPAF or personnel form comes through, we pick those up each month. Everyone who has left employment, we pay those out. That won't change, that is the current process.

Tony Moss, Senator, Biological Sciences: That's about it. She had another question and I didn't have an answer to this.

Ann Shore, Human Resources: She can call me too. On that first question I can talk to her about that.

Tony Moss, Senator, Biological Sciences: I will direct her to you. The last question was, are post docs allowed to come to these meetings?

Many voices (at the same time): I don't think there is a restriction for anyone to attend.

Nedret Billor, Chair: It is open to everyone.

Tony Moss, Senator, Biological Sciences: Thank you very much. [33:14]

Ann Shore, Human Resources: Thank you for your time this afternoon.

Nedret Billor, Chair: Second information item will be presented by Ronda Lacey, who is our Compliance Manager. She is going to talk about HIPPA. [33:50]

Ronda Lacey, Compliance Manager–HIPPA Privacy Officer: Good afternoon. For those of you I've not had an opportunity to meet, my name is Ronda Lacey. I have the privilege of serving in the division of Institutional Compliance and Privacy in the Office of Audit, Compliance, and Privacy. Don't panic, this is not an hour presentation on HIPPA, you're going to survive it.

I want to give you guys just enough information on HIPPA so that you'll know what to do and when to ask for help. I promise you I am not trying to make you an expert in just under an hour. Most of you think of HIPPA as being that privacy document that you sign when you go to your physician's office. That's a part of it. In academics as well as in Federal regulation and other bureaucracies we actually deal with acronyms.

So, the first thing I want to do is let you know what HIPPA is. When you look at it, it is a health insurance portability and accountability act. Like many federal programs this was designed to save them money and also almost expedite how we deal with processing claims when you go to your physician's office. There's a lot of information dealing with privacy, with grief, and with security. A lot of things, hopefully, you're never going to have to deal with especially as far as processing claims, but why should HIPPA matter to you? And you're like, hey Ron it was on the agenda I've got to deal with it, but seriously, if you are conducting research with information that can identify in the health care world we refer to as a "patient," but in research world you are referring to as a "participant", then we need to take kind of a look at it.

Protected heath care information is the classification that the Federal Government under this law gives to information dealing with me as a patient. That same information in a different forum can be considered FERPA information if I were a student. And it can be considered personally identifiable information in other categories. What we want to do is make sure you are not in a position that you don't know how to deal with that information. We want you to understand enough about that information to ask for help or ask that we just review that for you to determine if additional steps need to be taken. In other words, I just want to make sure I've got this going right, so, if you're working with that, would you know what to do? In other words, I think you would know you got information from a prescriber's office and the prescriber wanted you to conduct some research, I think off the bat you are going to know that I can't release information that says, Ronda Lacey has asthma. You would think that is private information. But there are a lot of additional steps involved in that and I just want to go over those briefly. [37:20]

Those individuals if there's anyone here from Pharmacy you are already dealing with that on a daily basis. You are very familiar with what goes on as far as rules and regulations are concerned. The term that I want to make sure you are aware of is that this personally identifiable information is not just about me, about my name, or about that individuals name, it's something about me or something about that patient, something about that participant that deals with their present, past, or future medical care. In other words, if you received information that says Ronda Lacey's physician's appointment September 17, 2019, that is going to be considered protected information. And you're like, that's not a big deal, she is up here in front of the group talking about it. When you think about your private health care, you would not want that to be made public and we just want to put some precautions in place.

Now I want to give you an idea of what those are. There are things called identifiers, and bear with me, I am used to talking and walking and feel like I am being held captive here behind this microphone, but that information about present, past, or current treatment if tied to one of these 18 identifiers and your 2 slides showing them are considered to be protected health information. [Link to presentation] I am not going to read all of those to you, you've got access to this, but I want you to make note of the fact that it could be something as simple as that information associated with my telephone number. Most of us don't associate our telephone numbers as being a part of our protected health care information. Our Web addresses, our e-mail addresses, obviously I think all of us are a little sensitive about our Social Security numbers, but account numbers–in other words your bank account number, your number at your physician's office is unique to you.

This is a question that I received a number of times over the past few months since I've been here, "But doesn't the university take care of this for me? Doesn't the university take care of privacy and security issues in matters for me?" As you can see there it is not something that is as simple as yes and no. We do have multiple departments that can help and assist with that. I've given you those links and those Web sites, I have also attached to the end of this presentation some additional slides for reference and information. But it's not just as simple as we have an internet technology department, in other words we do have OIT that helps with a number of things, but if you are dealing with protected health care information additional precautions above and beyond what we're normally doing may have to trigger and kick in.

In other situations, you may be doing research with a partner outside of the university. I have talked with several people who are in this room and were dealing with this. Those research partners may require you and I to have additional levels of insurance. A special policy of cyber insurance, special levels of encryption on the computers that we are dealing with. Those are things that hopefully will not be insurmountable, but I need you to have that lightbulb go off and realize I am dealing with this information, maybe I should reach out and get someone to look at this. I am willing to look at it without question, but if you are involved in an IRB protocol, the folks over at the IRB know enough about this and have worked on it and will know how to approach it and whether or not we need to look for help.

You see here that there may be additional training. This HIPPA and security training that some of the research partners that you are dealing with may ask for, don't panic, that is not insurmountable. If it's needed our office can provide that for you.

This thing at the bottom. This monster business associate agreement, it's a fancy legal federal term for a contract that has to be in place. Lawyers like job security, we're going to have to change the name on things, you might have this business associate agreement, but that agreement is just insuring that you are acknowledging that certain steps, certain precautions, certain protocols have to be in place.

I am asking you for help. I know our other speakers were not asking for help today, but I am here to ask for your help and to partner with our office and also with other departments in being aware. In other words, again, I am not asking that you be an expert in HIPPA, but what I am asking you to do is to know enough about identifying the information that you are working with to be willing to reach out for help if you need it. Or even if you feel totally confident that it's protected, let me come to your office, let me come talk with your department and get to know you and your department so that…I am going to share a story but not use a name, we joked about it…the first time I met them there was this sense of calm and we were talking and sharing and this individual says "well, I was really kind of afraid to tell you this initially, but we were all kind of afraid that you were going to be like Darth Vader." I've been called a number of things and usually it's not Darth Vader and I am like "WHAT?" You haven't known me long enough to see that side of me. (laughter) There was the amazement that I will walk up to you and stick out my hand and say, 'hey, my name is Ron, how can I help you." That's who we are. My boss and I joke about the fact that we want to be known as the department of Know, k-n-o-w, not the department of no, n-o. How can we help you understand this and make it more understandable, and how can we achieve the goals that we need to achieve and stay totally compliant in the process?

So, that's what I want you to do. Understand major concepts, understand that if you are dealing with something that can relate back to a patient or a participant, and understand that the Honor-be (?) may ask you [44:36bk] to fill out, you are going to say jumping through some extra hoops and I am going to say maybe fill out an additional form or two. This isn't just to protect the participants, it's intended to protect each of you and also protect the university. In my world, if we are protecting the participants, if we are protecting our patients, and we are protecting you, that's going to protect the university.

This is the thing that keeps me up at night; if you know that information has been compromised, or if you suspect it's been compromised, call me. We are going to work through it. It is not going to be something we cannot work through. I can promise you we can work through it together. The university is committed to a culture of excellence as is our department and I know each of you are too. So, I am asking your additional commitment in just learning enough about HIPPA that you can do a shout out for help.

My contact information is going to be at the end and your commitment to a culture of compliance. I know that you guys know that sounds familiar that is coming from the Auburn Creed. We see it we hear it a lot, especially during football season. I welcome the opportunity to work with you. I know that (Interim) President Gogue and his staff are committed to this culture of excellence as is my boss Robert Gottesman and the department we work with. Please let me know if there is anything I can do to help you. Those are the additional references. Again, my name is Ronda or Ron. I will ask that you give me a couple of weeks of knowing me before before you address me with that name that may start with a "D". My name is Ron, if you need something, if I can help you, give me a shout out. Thank you. [46:37]

Any questions?

Nedret Billor, Chair: Rick Causey will present on FERPA

Rick Causey, Banner Trainer: Good afternoon. On behalf of the Office of the Registrar we just want to thank you for allowing us to come participate with you today and talk a little bit about FERPA.

The little guy with the magnifying glass is supposed to be walking around. The first slide is important because FERPA is more than just sharing information it is also about protecting information that you are looking at. I also want to ask you if you have any questions to hold those questions off and e-mail me individually with those questions. E-mail me directly and I am going to respond. We want to make sure that our answers are accurate and consistent, and we will be working also with Institutional Compliance when we have questions that we can't answer in our office. [48:17] Family Educational Rights and Privacy Act of 1974, it does protect the student's rights of secondary institutions regardless of their age and it is in regard to the educational record.

It does grant 4 specific rights to the students. They can inspect their record at any time, they can ask at any time, FERPA actually gives us 45 days, a maximum of 45 days to respond to that request. They can stick an amendment to the record if they have discovered that an error has occurred to the record and would contact whatever department is involved with that. They can also consent to the disclosure of the records. At our office that is what we are mostly involved with, asking for a 3rd party to view or pick up certain records. Some of you all may experience that as well, because believe it or not, parents are a 3rd party, so they have to get permission from the student to view those records. They can also file a complaint with the US Department of Education if they feel like their information has been violated. We do make sure to protect the record [not sure what was said here].

The educational record is any record that is directly related to the student. I know with HIPPA they are talking about personal identifiable information it's the same thing with FERPA. If any student record is a document linked to Auburn University or a contract with Auburn University and it contains the student's personal identifiable information; name, phone number, social security number, all of those things. What is not in the educational record is a little bit easier, sole position records, some people do get confused, sole position records. [50:26 bk] If it's a record such as a general comment, that you just put in your drawer and nobody is ever going to see it, that does not necessarily become part of the educational record.

Medical treatment records, of course, under HIPPA. Employment records and also alumni records, these 2 things in particular they do tend to cross paths with student information sometimes. A student record is protected by the university, specifically by the office of the registrar from the student's first day of class all the way through the rest of their lives. We protect those records even when the become an alumnus, we still protect those educational records. So, we stay compliant even after the student leaves Auburn University.

As far as the format is concerned (that is part of what I was going to talk about with the image that was not moving) some of you may be in a position or your office is in a position to sit at desks where you have a lot of foot traffic. As you are looking at student information we always want to protect the student information that is on a computer screen or a printout. That's what people tend to forget about sometimes (we think about what information we can share but it can also be something that you are looking at on your computer screen), so always remember to block the screen from view of others or when you get up from your desk do not leave the information on the screen or on a printout in view. Things like class rosters, advisor section notes, all these must be protected. [56:26 bk]

When we get into direct information, there are 2 blocks of information that FERPA has. Direct information and non-direct information. Direct information is what we can share with a third party at our discretion without the students written consent, non-direct information we can never share. There's a caveat that I will share in a second.

Direct information we can share with a third party if we need to. Some of this has changed a little bit in the past year, so if you have old FREPA documentation you may need to relook at the updated FERPA documentation. So, direct information like an address, phone number…auburn e-mail address is something we did change. It used to say just e-mail addresses and now we only do not share auburn e-mail addresses. I Also have a FERPA flyer in that back and it will have all this information on there so be sure to pick up one on you are leaving. It will have a list of all the direct information on there. Along of course with my e-mail address so you can contact me.

One that people do get lost on sometimes is where is says terms and dates of attendance. We can never share with a third party without a student's written consent whether a student is attending class or not. So, when it talks about date of attendance for the term, what we can share if we need to if a student is registered for classes, we cannot tell what those classes are as enrolled at Auburn University, and as far as dates of attendance is concerned that refers from the first day of the term to the last day at the end of the term not specific classes they are attending.

The last thing I have here at the bottom of the page, is students can restrict the release of direct information. This is a big problem we have here because a student can walk in the registrar's office and say I want my information marked confidential. Once they do that everything about that student, including their name then becomes non-directory. That creates a big problem for you because you don't know who is in the directory or not, unless you have access to banner admin. If you don't have access to banner admin you don't know who is marked confidential and would have to check with someone in the registrar's office to find that out. We have to consider that every student is non-directory until we know for sure they haven't checked that restriction.
(In summary don't share student information.) What can and cannot be shared in the lists following. [55:44 bk]
Student information that can be disclosed

1. Student's Complete Name
2. Addresses
3. Telephone Numbers
4. Auburn University E-Mail Address
5. Participation in Recognized Sports/Activities
6. Photos, Video, or Electronic Image (released only in connection with official A.U. publications)
7. Term/Dates of Attendance
8. Enrollment Status (full or part time)
9. Most Recent Classification and Curriculum
10. Degrees and Awards Received

Students can restrict the release of Directory Information. Do not release any Directory Information if prompted that a restriction has been placed.
Most Common Examples of Non-Directory Information (do not share)

1. GPAs and Grades
2. Transcript(s)/Academic history
3. Student schedule
4. Class Attendance
5. Personal Identifiable Information (PII that is not already listed as directory information)
6. Gender
7. Race
8. SSN
9. Birth Date

For legitimate educational interest, who is a third party and who is not is a big question. [56:25 bk] School officials or contractor with a college can receive student records if they have a legitimate educational interest and required to fulfill responsibilities. The person looking at this is only looking at student information it does not convey a right to all information, it has to be a need to know if you are sharing this information.

Let's say you have access to banner admin, while you are looking at that you have to have a legitimate reason to view it. You cannot pull up any student record out of curiosity. We always have to protect those records. [57:20]

Class rosters is the topic I get the most questions about. This is one of the big concerns in working with folks on campus. Never post a class roster or grades. When I was in college our professor used to post our social security number on the door with our grade next to it. That was not all that many years ago. Graded papers cannot be left out for student to come pick up, this is a violation of FERPA. Do not transmit grades via e-mail or upload a class roster with student identifiers. [58:53]

I put this at the bottom, never share rosters with guest speakers. I have had that issue pop up a few times where guest speakers have asked for class rosters and that would be a violation of FERPA. Again, that would be sharing with the public.

As far as proper custody of confidential records: be careful with the records that you are looking at and make sure that you don't leave records laying around. In our office we try to cover up records at our desk so they are not visible to somebody walking by. Secure your computer screen and monitor any information that would be sent to a fax machine or printer. Fax machines are not used as much as they once were.

The Compliance Office asked me to add this the other day. People use flash drives, be sure to use encrypted drives if you are putting student information on them.

I share FERPA with parents at Camp War Eagle. There may be 500 parents in a room when I do this (the parent portal) I don't know how many of you have heard of it or used it, the parent portal, this allows the parent to request access directly from their student systematically. They get their own user name and password, they can view their student's record 24/7. So, if you are getting questions from parents always direct them to the parent portal [familyportal.auburn.edu]. It is really one of the best things I've seen.

One of the other questions that has come up and I hope you do e-mail me on this one, all of you get questions about letters of recommendation. The biggest thing is if somebody request that you give a letter of recommendation, the best thing to do is get a release from them, and have that release dictate exactly what you want to share with whatever company and who it is going to be shared with. That will protect you. But if it does provide non-directory information then you certainly have to have a release. Always remember, non-directory can be everything if that student has marked themselves confidential. [1:02:01 bk]

Lastly, the main thing I want you to do is contact the Registrar's Office. We have a new registrar on campus, we are going to be sharing this information with her and work out ways to disseminate, especially when you send the e-mails, I am going to respond directly to you with an answer. We are going to take the time to look at those responses before sending them back out to make sure we have everything accurate. I will be working with the registrar to make sure we know how best to disseminate that information back out to the whole university. [1:02:46] So, all can be aware of issues that arise regarding student records. That is all I have.

Nedret Billor, Chair: Are there any questions?

Tony Moss, Senator, Biological Sciences: Can we assume that something shows up in a search on the university home page using the search tool for a student or office that that actually has a hit, can we assume that the information then, user ID associated with that student' name, that is then available in directory information

Rick Causey, Banner Trainer: If it's the name through directory information and it's not confidential, but if it is their banner number, their ID number.

Tony Moss, Senator, Biological Sciences: Not talking about banner, I would never use that, but if you go to the university home page and search for Judd Smith and you get his GUID information about that individual, if that's available can we just assume that that has not been restricted? Or is that not a good assumption? It's out there for the world to see, right?

Rick Causey, Banner Trainer: As far as we're concerned everything is restricted until you know for certain it's not.

We are going to try to come up with better answers, we want to make sure that we look at everything specifically.

Tony Moss, Senator, Biological Sciences: Thanks.

Rick Causey, Banner Trainer: There are flyers at the back of the room that have some specifics that may answer some of your questions. Also, if you need other information my e-mail address is there. Thank you.

Nedret Billor, Chair: Thank you. The next speaker is Kristen Roberts, compliance manager and will be talking about conflicts of interest disclosure process.

Kristen Roberts, JD Compliance Manager: Hi everyone, I am Kristen Roberts. I am the compliance manager in the division of Institutional Compliance and Privacy and that is in the Office of Audit, Compliance, and Privacy.

We're here today to talk about conflicts of interests. It is kind of a hot topic in higher education right now. You may have seen recently in the news the report Georgia Tech executives that were fired for conflicts of interest related things; directing business to vendors that they have personal relationship with and things of that nature. There was also an issue at North Carolina systems, the executive was serving on the Board of a Health Care Company for which he was receiving compensation that the University did business with, so we want to prevent Auburn University from being in the headlines for the wrong reasons and that is why, partly, this Conflicts of Interest Policy was put into place. It was in March of this year that the university adopted the Conflicts of Interest Policy with support from the Board of Trustees. And, Milly and I have been working together to get the disclosure process underway for all full-time employees.

The changes to the process is really trying to help employees comply with the State Ethics Law and Federal Regulations if you are an investigator receiving Federal funding. We are trying to make it efficient as possible so that people only have to disclose once and one time a year that will capture everything, and make updates as needed within 30 days if there are changes to those significant financial interests.

So, with the R1 status we have an elevated profile and want to make sure we are doing everything correctly. Milly can talk more about the research side of things. We want to keep everything central so that it's in one place and we can keep all the plans together.

Our target start date is October 1, this is when we are planning to roll out the all employee disclosure (annually). We combined the existing research questionnaires, we had PHS funding. You may have gone through this process before, so we combined those research questions with the general employee questions, so you only have to complete it once. [1:08:10] When we get the disclosures in, any research related issues will go to Milly in Research Compliance, any general employee ones will come to the Division of Institutional Compliance.

For all full time employees, the 5 questions that will be asked are financial interests in any outside entities or positions or leadership rolls, and your immediate family members. Second question is outside employment or professional activities within the last 12 months. Third is any immediate family members working at Auburn University. This is getting at nepotism and want to make sure employees are not supervising family members. The next question is any other personal relationships that might affect your decision making or impair your university responsibility, or ability to carry those out. The last question is in the interest of transparency, anything else that you would like to disclose.

Again, this is to protect the employee because if you make a disclosure and we have to have a management plan in place to mitigate or eliminate that conflict, that's what we want.

Management Plans; Milly's office and my office are going to work together and drafting template management plans so that employees and supervisors can pull that language and have consistency. You don't need to create something from scratch and it's the supervisor's responsibility to oversee that and work with the employee to make sure that the plan is being followed.

There should be periodic review, we are still working on this, maybe every 6 months revisit and make sure the plan is being followed. And maybe tying it to performance evaluation to be sure to revisit this as part of the annual review.

Milly do you want to talk about Research COIs

Milly: The management plans for Research only won't change very much from what they currently are. If any of you out there have one or signed one, the idea and the logistics behind it will be the same. What we want to emphasize most importantly is the management plans, there will be one management plan per person. So, if you have a research conflict and some other kind of conflict, you won't have two plans; you will have one plan, but if your conflicts of interest are mostly in the research realm especially if you have the type of funding where the VP for Research and Development has to sign off on that Federal funding maybe from PHS or NSF and research will drive the development and the organization of your management plan and any follow up monitoring that might happen.

Any questions about the process, disclosures. No? Well if you do later please feel free to reach out to our office we will be happy to answer questions at any time. Thank you very much for your time. [1:11:57]

Nedret Billor, Chair: Thank you to all of the presenters. This will conclude our formal agenda for today.
Is there any unfinished business?

Monique Laney, senator, History: I don't know if this is the right time to ask it, but I thought you said at the last meeting that you were going to start the Senate year out with an informational session for new senators. [1:12:43 bkup] So, I wanted to ask if that is still somewhere in the plan?

Nedret Billor, Chair: Yes, thank you. We are having a new Senator Orientation on September 4. We just thought that it would be better to have it separately because we've had a lot of information items today. So, we are having Senator orientation on September 4 and that information was sent to all of the new Senators. Of course, all of you are welcome if you would like to attend, but Don Mulvaney, our chair-elect, would like to have you RSVP. We would have you let us know. We have e-mailed all new Senators about that.

Is there any new business? Hearing none, I now adjourn the meeting. [1:13:47 bkup]